

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Rebecca Boody,

Court File No. 14-CV-4324 SRN/LIB

Plaintiff,

v.

**DEFENDANT’S STATEMENT OF
THE CASE**

Lincoln National Life Insurance Company,

Defendant.

Defendant Lincoln National Life Insurance Company (“Lincoln”), submits this Statement of the Case in accordance with the Court’s Pretrial Notice and Order dated December 5, 2014.

Lincoln National Life Insurance Company provided long term disability benefits to Plaintiff pursuant to a group policy issued to her employer. Plaintiff worked as a registered nurse. Plaintiff asserted that as a result of a variety of conditions, including chronic low back pain, chronic neck pain, chronic hip pain/hip arthritis, foot and ankle pain, cervical radiculopathy, and carpal tunnel syndrome, she was unable to work on or after September 25, 2011.

Lincoln provided long term disability benefits under the “own” occupation definition in the policy through the full 24-month period ending on November 23, 2013. Thereafter, Lincoln determined that as a result of Plaintiff’s education, skill and training and with reference to her medically supported restrictions and limitations, she could work in a

sedentary position including a nurse consultant, director of volunteer services, and/or data analyst. Lincoln thereafter denied benefits finding that Plaintiff did not satisfy the “any” occupation definition under the policy.

MESSERLI & KRAMER P.A.

Dated: January 8, 2015

s/Terrance J. Wagener

Terrance J. Wagener

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